

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 20 OCT 2005

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Applicant's or agent's file reference 396-505	FOR FURTHER ACTION		See Form PCT/IPEA/416																								
International application No. PCT/US04/19641	International filing date (day/month/year) 17 June 2004 (17.06.2004)	Priority date (day/month/year) 17 June 2003 (17.06.2003)																									
International Patent Classification (IPC) or national classification and IPC IPC(7): F16K 51/00; F16L 29/00, 37/28; A61M 5/00 and US Cl.: 251/149, 149.1, 149.3, 149.6, 149.7; 604/246, 249, 256, 537, 538, 905; 137/854																											
Applicant FILTERTEK INC.																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>47</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____ (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 05 October 2004 (05.10.2004)		Date of completion of this report 04 May 2005 (04.05.2005)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer Edward K. Look <i>Diane Smith</i> Telephone No. (571) 272-4820																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/19641

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☒ the description:
 pages 1-45 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
- ☒ the claims:
 pages 46-61 as originally filed/furnished
 pages* NONE as amended (together with any statement) under Article 19
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
- ☒ the drawings:
 pages 1-18 as originally filed/furnished
 pages* NONE received by this Authority on _____
 pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive Step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial Applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

2. Citations and Explanations (Rule 70.7)

Claims 13-19, 22, 23, 30-32, 35-37, 56-58, 61, 63-65, 76, 80, 81, and 92 lack novelty under PCT Article 33(2) as being anticipated by U.S. Pat. No. 5,549,566 (Elias et al.). Elias et al. disclose a needlefree access device comprising a housing (12), an inlet (36), an outlet (66), a biasing member (16), a piston (50) and a method of making the needlefree access device.

Claims 89-91 lack an inventive step under PCT Article 33(3) as being obvious over U.S. Pat. No. 5,549,566 (Elias et al.) in view of U.S. Pat. No. 6,168,137 (Paradis). Elias et al. disclose a needlefree access device comprising a housing (12), an inlet (36), an outlet (66), a biasing member (16), a piston (50) and a method of making the needlefree access device but lacks a Y-shaped device having a secondary inlet. Paradis teach a needlefree access device having a y-shaped housing (SB) and a secondary inlet (IB). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the needlefree access device having a single inlet and single outlet of Elias et al. by adding a second inlet as taught by Paradis in order to mix multiple medicines together.

Claims 1-12, 20, 21, 24-29, 33, 34, 38-55, 59, 60, 62, 66-75, 77-79, 82-88, and 93-111 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a needlefree access device having a biasing member and outlet member over molded together and a needlefree access device having a biasing member with a helical flow path.

Claims 1-111 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 1-12, 20, 21, 24-29, 33, 34, 38-55, 59, 60, 62, 66-75, 77-79, 82-91, and 93-111

The opinion as to Novelty was negative (No) with respect to claims 13-19, 22, 23, 30-32, 35-37, 56-58, 61, 63-65, 76, 80, 81, and 92

The opinion as to Inventive Step was positive (Yes) with respect to claims 1-12, 20, 21, 24-29, 33, 34, 38-55, 59, 60, 62, 66-75, 77-79, 82-88, and 93-111

The opinion as to Inventive Step was negative (NO) with respect to claims 13-19, 22, 23, 30-32, 35-37, 56-58, 61, 63-65, 76, 80, 81, and 89-92

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-111

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE